UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:13-CV-301-FDW

CATHERINE B. GAZE,)	
Plaintiffs,)	
VS.))	ORDER
CAROLYN W. COLVIN, Acting Commissioner of Social Security))	<u> </u>
Defendant.)	
)	

THIS MATTER is before the Court on the parties' Consent Motion for Entry of Order Accepting the Parties' Settlement Agreement on Attorney's Fees. (Doc. No. 15). For the reasons stated herein the motion is GRANTED.

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the Untied States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's June 24, 2014 Order remanding this case to the Defendant Acting Commissioner for further administrative proceedings.

IT IS HEREBY ORDERED that the Court will award attorney fees in the amount of five thousand seven hundred fifty dollars and forty-three cents (\$5,750.43) in full satisfaction of any and all claims Plaintiff may have in this case under the Equal Access to Justice Act. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's ruling in <u>Astrue v. Ratliff</u>, 130 S.Ct. 1251

(2010), these attorney fees are payable to Plaintiff as the prevailing party and are subject to offset

through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may

owe to the government. If, subsequent to the entry of this Order, the Commissioner determines

that Plaintiff owes no debt to the government that would subject this award of attorney's fees to

offset, the Commissioner may honor Plaintiff's September 2, 2014 signed assignment of EAJA

fees, providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If,

however, Plaintiff is discovered to owe the government any debt subject to offset, the

Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to

counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to her

counsel.

IT IS SO ORDERED.

Signed: September 24, 2014

Frank D. Whitney

Litrey 1 Chief United States District Judge